The CIVIL ARTICLES
OF
LYMERICK
EXACTLY
Printed from the Letters Patents:
WHEREIN
They are Ratified and Exemplified by Their Majesties under the Great Seal of *ENGLAND.*

Limerick, Ire.

Published by Authority.

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THE

Civil Articles of Lymerick.

Gulielmus & Maria Dei Gratia Angliæ, Scotiæ, Franciæ & Hiberniæ, Rex & Regina, Fidei Defensores, *&c. Omnibus* ad quos Præsentes literæ nostræ pervenerint salutem: *Inspeximus* Irrotulament. quarund. literarum patentium de confirmatione geren. Dat. apud *Westmonasterium* vicessimo quarto die *Februarii*, ultimi Præteriti in Cancellar. nostr. Irrotulat. ac ibidem de Recordo remanen. in hæc verba. *William and Mary*. by the Grace of God, &c. *To all* to whom these Presents shall come, Greeting. *Whereas* certain Articles bearing date the third day of *Octob.* last past, Made and Agreed on between Our Justices of Our Kingdom of *Ireland*, and Our General of Our Forces there on the one Part, and several Officers there, Commanding within the City of *Limerick* in Our said Kingdom, on the other part. Whereby Our said Justices and General did undertake that We should ratify those Articles within the space of eight months, or sooner; and use their utmost Endeavours that the same should be Ratified and Confirmed in Parliament. The Tenour of which said Articles, is as follows, *Viz.*

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ARTICLES

Agreed upon the Third Day of *Octob.*

One Thousand Six Hundred and Ninety One.

Between the Right Honourable, Sir *Charles Porter*, Knight, and *Thomas Coningsby*, Esq. Lords Justices of *Ireland*; and His Excellency the Baron *De Ginckle*, Lieutenant General, and Commander in Chief of the *English* Army; *On the One Part*

And the Right Honourable, *Patrick* Earl of *Lucan*, *Piercy* Viscount *Gallmoy*, Colonel *Nicholas Purcel*, Colonel *Nicholas Cusack*, Sir *Toby Butler*, Colonel *Garrett Dillon*, and Colonel *John Brown*; *On the other Part*:

In the behalf of the *Irish* Inhabitants in the City and County of *Limerick*, the Counties of *Clare*, *Kerry*, *Cork*, *Sligo*, and *Mayo*.

In Consideration of the Surrender of the City of Lymerick *and other Agreements made between the said Lieutenant General* Ginckle, *the Governor of the City of* Lymerick, *and the Generals of the* Irish Army, *bearing Date with these Presents, for the Surrender of the said City, and Submission of the said Army: It is Agreed, That*

I.

THE *Roman Catholicks* of this Kingdom, shall enjoy such Privileges in the Exercise of their Religion, as are consistent with the Laws of *Ireland*; or as they did enjoy in the Reign of King *Charles* the II: And their Majesties, as soon as their Affairs will permit them to Summon a Parliament in this Kingdom, will endeavour to procure the said *Roman Catholicks* such farther Security

Security in that particular, as may preserve them from any Disturbance, upon the Account of their said Religion.

II.

All the Inhabitants or Residents of *Lymerick*, or any other Garrison now in the possession of the *Iriſh*, and all Officers and Souldiers, now in Arms, under any Commission of King *James*, or those Authorized by him to grant the same in the several Counties of *Lymerick*, *Clare*, *Kerry*, *Cork*, and *Mayo*, or any of them; and all the Commissioned Officers in their Majesties Quarters, that belong to the *Iriſh* Regiments, now in being, that are Treated with, and who are not Prisoners of War, or have taken Protection, and who shall return and submit to their Majesties Obedience, and their and every of their Heirs, shall hold, possess and enjoy all and every their Estates of Free-hold, and Inheritance; and all the Rights, Titles and Interests, Privileges and Immunities, which they, and every, or any of them held, enjoyed, or were rightfully and lawfully Intituled to, in the Reign of King *Charles* the II, or at any time since, by the Laws and Statutes that were in force in the said Reign of King *Charles* the II, and shall be put in possession, by order of the Government, of such of them as are in the King's Hands, or the Hands of his Tenants, without being put to any suit or trouble therein; and all such Estates shall be freed and discharg'd from all Arrears of Crown-Rents, Quit-Rents, and other publick Charges incurred and become due since *Michaelmas*, 1688. to the day of the date hereof: And all persons comprehended in this *Article*, shall have, hold, and enjoy all their Goods and Chattels, real and personal, to them, or any of them belonging, and remaining either in their own hands, or the hands of any persons whatsoever, in trust for, or for the use of them, or any of them: and all, and every the said persons, of what Profession, Trade, or Calling soever they be, shall and may use, exercise and practise their several and respective Professions, Trades and Callings, as freely as they did use, exercise

exercise and enjoy the same in the Reign of King *Charles* the II: Provided, that nothing in this *Article* contained, be construed to extend to, or restore any forfeiting person now out of the Kingdom, except what are hereafter comprized: Provided also, That no Person whatsoever shall have or enjoy the benefit of this Article, that shall neglect or refuse to take the Oath of Allegiance made by Act of Parliament in *England*, in the First Year of the Reign of their present Majesties, when thereunto required.

III.

All Merchants, or reputed Merchants of the City of *Lymerick*, or of any other Garrison, now possessed by the *Irish*, or of any Town or Place in the Counties of *Clare*, or *Kerry*, who are absent beyond the Seas, that have not bore Arms since their Majesties Declaration in *February* 1688. shall have the benefit of the Second Article, in the same manner as if they were present, *provided* such Merchants, and reputed Merchants, do repair into this Kingdom within the space of eight months from the date hereof.

IV.

The following Officers, *viz.* Colonel *Simon Lutterel*, Captain *Rowland White*, *Maurice Euſtace* of *Yermanſtown*, *Chievers* of *Mayſtown*, commonly called *Mount-Leinſter*, now belonging to the Regiments in the aforesaid Garrisons and Quarters of the *Irish Army*, who were beyond the Seas, and sent thither upon affairs of their respective Regiments, or the *Army* in general, shall have the benefit and advantage of the second *Article*, *provided* they return hither within the space of eight months from the date of these Presents, and submit to their Majestics Government, and take the above-mentioned Oath.

V.

That all and singular, the said persons comprized in the 2*d* and 3*d* Articles, shall have a general Pardon of all Attainders, Outlawries,

lawries, Treasons, Misprisons of Treason, Premunires, Felonies, Trespasses, and other Crimes, and Misdemeanors, whatsoever, by them, or any of them committed since the beginning of the Reign of King *James* the II: and if any of them are attainted by Parliament, the Lords Justices and General, will use their best Endeavours to get the same repealed by Parliament, and the Outlawries to be reserved *Gratis*, all but Writing-Clerks Fees.

VI.

And whereas these present Wars have drawn on great Violences on both parts, and that if leave were given to the bringing all sorts of private Actions, the Animosities would probably continue, that have been too long on Foot, and the public Disturbances last: For the Quieting and Settling therefore of this Kingdom, and avoiding those Inconveniences which would be the necessary consequence of the contrary, no person or persons whatsoever, comprized in the foregoing Articles, shall be Sued, Molested, or Impleaed at the Suit of any Party or Parties whatsoever, for any Trespasses by them committed, or for any Arms, Horses, Money, Goods, Chattels, Merchandizes, or Provisions, whatsoever, by them seized or taken, during the time of the War. And no person or Persons whatsoever, in the Second or Third Articles comprized, shall be Sued, Impleaded, or made accountable for the Rents, or mean Rates, of any Lands, Tenements, or Houses by him or them received or enjoyed in this Kingdom, since the beginning of the present War, to the day of the Date hereof, nor for any Waste or Trespass by him or them committed in any such Lands, Tenements, or Houses: And it is also agreed, that this Article shall be mutual, and reciprocal, on both sides.

VII.

Every Nobleman and Gentleman comprized in the said 2*d* and 3*d* Article, shall have liberty to Ride with a Sword, and Case of Pistols, if they think fit: and keep a Gun in their Houses, for the Defence of the same, or for Fowling.

VIII

VIII.

The Inhabitants and Residents in the City of *Lymerick*, and other Garrisons, shall be permitted to remove their Goods, hatties, and Provisions, out of the same, without being viewed and searched, or paying any manner of Duties, and shall not be compelled to leave the Houses or Lodgings they now have, for the space of six weeks next ensuing the Date hereof.

IX.

The Oath to be administred to such *Roman Catholics* as submit to their Majesties Government, shall be the Oath abovesaid, and no other.

X.

No person or persons, who shall at any time hereafter break these Articles, or any of them, shall thereby make, or cause any other person or persons to forfeit or lose the benefit of the same.

XI.

The Lords Justices and General do promise to use their utmost Endeavours, that all the persons comprehended in the abovementioned Articles, shall be protected and defended from all Arrests, and Executions for Debt or Damage, for the space of eight months, next ensuing the Date hereof.

XII.

Lastly, the Lords Justices and General do undertake, that their Majesties will Ratifie these Articles within the space of eight months, or sooner, and use their utmost Endeavours, that the same shall be ratified and confirmed in Parliament.

XIII.

And whereas Colonel *John Brown* stood indebted to several Protestants, by Judgments of Record; which appearing to the late

late Government, the Lord *Tyrconnel*, and Lord *Lucan*, took away the Effects the said *John Brown* had to answer the said Debts, and promised to clear the said *John Brown* of the said Debts; which effects were taken for the publick use of the *Irish*, and their Army: For freeing the said Lord *Lucan* of his said Engagement, past on their publick Account, for Payment of the said Protestants, and for preventing the ruine of the said *John Brown*, and for satisfaction of his Creditors, at the instance of the Lord *Lucan*, and the rest of the Persons aforesaid, it is agreed, That the said Lords Justices, and the said Baron *de Ginckle*, shall intercede with the King and Parliament, to have the Estates secured to *Roman-Catholicks*, by Articles and Capitulation in this Kingdom, charged with, and equally liable to the payment of so much of the said Debts, as the said Lord *Lucan*, upon stating Accompts with the said *John Brown*, shall certifie under his Hand, that the Effects taken from the said *Brown* amount unto; which Accompt is to be stated and the Ballance certified by the said Lord *Lucan* in one and twenty days after the Date hereof:

For the true performance hereof, We have hereunto set our Hands,

Char. Porter.
Tho. Coningsby.
Bar. *De. Ginckle.*

Present
Scravemore!
H. Maccay.
T. Talmash.

And whereas the said City of *Limerick* hath been since, in pursuance of the said Articles, surrendred unto Us. *Now know ye*, that We having considered of

the said Articles, are Graciously pleased hereby to declare, that We do for Us, Our Heirs and Successors, as far as in Us lies, Ratifie and Confirm the same, and every Clause, Matter and Thing therein contained. And as to such Parts thereof, for which an Act of Parliament shall be found to be necessary, We shall Recommend the same to be made good by Parliament, and shall give Our Royal Assent to any Bill or Bills that shall be Passed by Our Two Houses of Parliament to that purpose. *And whereas* it appears unto Us, that it was agreed between the Parties to the said Articles, that after the words, *Limerick*, *Clare*, *Kerry*, *Cork*, *Mayo*, or any of them in the second of the said Articles, the words following; Viz. *And all such as are under their Protection in the said Counties*, should be inserted, and be part of the said Articles. Which words having been casually omitted by the Writer, the omission was not discovered till after the said Articles were Signed, but was taken notice of before the second Town was surrendred: And that our said Justices, and General, or One of them, did promise that the said Clause should be made good, it being within the intention of the Capitulation, and inserted in the Foul Draught thereof. *Our further Will and Pleasure is*, and We do hereby Ratifie and Confirm the said omitted Words, Viz: [*And all such as are under their Protection in the said Counties*] Hereby for Us, Our Heirs and Successors, Ordaining and Declaring, that all and every Person and Persons therein concerned,

cerned, shall and may have, receive, and enjoy the Benefit thereof, in such and the same manner, as if the said Words had been inserted in their proper place, in the said second Article; any Omission, Defect, or Mistake in the said second Article, in any wise notwithstanding. *Provided* always, and Our Will and Pleasure is, that these Our Letters Patents, shall be Enrolled in Our Court of *Chancery* in our said Kingdom of *Ireland*, within the space of one year next ensuing. *In Witness*, &c. *Witness* Our Self at *Westminster*, the twenty-fourth day of *February*, *Anno Regni Regis & Reginæ* Gulielmi & Mariæ *Quarto per Breve de Privato Sigillo.* Nos *autem Tenorem Premissor. Predict. Ad Requisitionem Attornat. General. Domini Regis & Dominæ Reginæ pro Regno* Hiberniæ. *Duximus exemplificand. per Presentes.* In Cujus *Rei Testimonium has literas nostras fieri fecimus Patentes.* Testibus *Nobis Ipsis apud* Westmon. *Quinto die* Aprilis, *Annoq; Regni eorum Quarto.*

Bridges

Examinat. per nos { S Keck / Lacon Wm. Childe } *In Cancel. Magistros.*